

DELTA PROTECTION COMMISSION

February 24, 1993
Antioch, California
Meeting Minutes

I. CALL TO ORDER - ROLL CALL

At 6:25 p.m., Tom Torlakson, Interim Chairman, called the meeting of the Delta Protection Commission to order and determined the presence of a quorum.

Present were: Commissioners Elizabeth Patterson, A.J. Yates, Bob Potter, Clyde Bland, Toby Johnson, Steve Mello, Tom Torlakson, Pat McCarty, William Salmon, Darrell Ferreira, Mike McGowan, Skip Thomson, Robert Calone, Joel Keller, Ryan Broddrick. Don Waltz of the Department of Boating and Waterways was present as an observer.

Interim staff present: Ross Sargent, Interim Executive director; Rick Frank, Supervising Deputy Attorney General; Christine Sproul, Assistant Secretary for Legal Affairs at the Resources Agency; and Julius Tsai, Special Assistant at the Resources Agency.

Mr. Torlakson recognized former state Senator John Nejedly, who was present, and acknowledged the Senator's work protecting the Delta's resources.

II. APPROVAL OF JANUARY MINUTES AND AGENDA

The minutes from the first meeting were reviewed and approved by the Commission.

Mr. Torlakson asked if there were additions that Commissioners would like to make to the present or future agendas. Mr. Mello asked that on future agendas an item be reserved for Commissioners' comments.

Commissioners Heather Fargo and Dick Troy arrived at 6:45 pm.

III. ADMINISTRATIVE MATTERS

Mr. Sargent distributed a memo concerning administrative matters. The memo suggested possible subcommittees for the Commission to form. Mr. Sargent noted that the Commissioners could look at this list and formally discuss it at a subsequent meeting.

Mr. Sargent also reviewed options that the Commission presently in terms of prospective office sites. Ms. Sproul noted that the leasing of the office space would be

Mr. Sargent called the roll for the vote. Voting for Mr. Barber: Commissioners Calone, Thomson, Ferreira, McCarty, Johnson, Bland, Yates. Voting for Ms. Fargo: Commissioners Keller, McGowan, Salmon, Torlakson, Mello, Potter, Fargo, Patterson, Broddrick, and Troy. Ms. Fargo was elected vice-chair.

Mr. Torlakson asked if the Commissioners were willing to entertain thoughts on a second vice-chair, as was the custom for a number of governments. Mr. Johnson did not think that a second vice-chair would be necessary. He then asked Mr. Frank if the statute provided any direction in this matter. Mr. Frank replied that the statute did not expressly provide for a second vice-chair, but that this would not preclude the Commission from selecting one. Mr. Johnson said that even if the Commission had two vice-chairs, it could still reach the point where it had to select a temporary chair in the event that both of them were absent, and saw this acting as redundant. Mr. Torlakson then recommended proceeding with the agenda.

V. STAFF REPORT

Mr. Sargent said that in connection with what process to be used in selecting an Executive Director, there were three options for the Commission: 1) utilize the services of the Contra Costa Personnel Department, paying the Personnel Department for appropriate labor and expenses; 2) utilize the services of the Department of Conservation to develop rating standards, recruit and screen applicants, the Department of Conservation providing in-kind services to the Commission; and 3) utilize the Interim Director in conjunction with the Department of Conservation. Under this approach, the Department would place the ads and help develop selection standards. The executive director would be responsible for the initial screening of the applicants and would present a pool of applicants to the Commissioners. This option would involve staff familiar with the Commission's purpose and functions, but would free the Commissioners from the laborious recruitment and initial screening process.

In terms of adopting a Commission budget, Mr. Sargent indicated that it would be wise to wait until the Executive Director is selected before proceeding.

VI. SUBCOMMITTEE ON EXECUTIVE DIRECTOR SELECTION

Mr. Torlakson summarized the activities of the executive director selection subcommittee, made up of Mr. Torlakson, Mr. McCarty and Mr. Sargent. The subcommittee had considered various options for selection, keeping in mind the requirements of the state open meeting act as well as the role of the Commission. Mr. McCarty and Mr. Torlakson, working with Ms. Eileen Bitten, Contra Costa County, had drawn up a draft job announcement as well as preliminary newspaper advertisements.

Mr. Torlakson summarized the discussion, noting that in terms of educational background, the Commissioners desired a candidates with experience in the areas of urban planning, public or business administration, agricultural management, communications, or soil sciences. In terms of experience, the candidates should have knowledge of the Delta and its resources.

Mr. Salmon stressed the need for familiarity with the Delta. He commented that the choice of an executive director could be the single most important decision before the Commission.

Mr. McCarty suggested redrafting the job description and presenting it to the Commissioners again.

Mr. Johnson asked what the precise employment status of the executive director would be. Mr. Frank replied that since the executive director would be a "pleasure appointment," exempt from civil service requirements, this person would for as long or short a time as the Commission saw fit.

Mr. Torlakson expressed concerns regarding the schedule for proceeding. Redrafting and presenting the job description again to the Commissioners would take another month. Mr. Sargent suggested that the Commission delegate the redrafting and approval of the job description to the selection subcommittee to save time.

Mr. Ferreira remarked that the selection of someone to fill this position should not be taken lightly, and the Commission should take a longer rather than shorter time with this decision.

Mr. Sargent noted that this process might move into May until completed. Mr. McCarty pointed out that the criteria that were being developed would more be useful in the final selection than in the initial recruitment of candidates, so that it would be possible to move quickly.

Mr. Torlakson suggested that a supplemental questionnaire could be developed to further refine the desired qualifications.

Mr. McCarty noted the Commission's general agreement on the broad categories to be used in the recruitment of candidates. That advertising document would be different from the supplemental questionnaire, which would be more detailed. Mr. Potter said that the selection of the candidate by the Commission was the important step, and not the initial paperwork. He was comfortable with delegating those paperwork responsibilities to the subcommittee. Ms. Patterson said that in terms of general recruitment, the exiting broad categories were sufficient, and that there would be time later to refine the questionnaire.

Mr. Mello cautioned against making the initial recruitment criteria too narrow, which could exclude potentially suitable candidates.

It was moved by Mr. Troy that the Commission adopt Mr. Potter's idea of delegating the redrafting and approval of the job description to the subcommittee.

Mr. Torlakson requested a roll call vote on Mr. Troy's motion. Ayes: Commissioners Keller, Calone, Thomson, McGowan, McCarty, Bland, Potter, Yates, Fargo, Patterson, Broddrick, Troy. Nays: Commissioners Ferreira, Salmon, Torlakson, Mello, Johnson. The motion carried by a vote of 12-5.

Mr. Torlakson asked Ms. Bitten to describe how the suggested screening process would work for a pool of applicants. Ms. Bitten recommended that a supplemental questionnaire be developed and then a panel, preferably of outside experts, be convened to assess the candidates. The Commission would select the panelists and set the criteria for the panel's evaluation. This panel would narrow the candidate group to a small number (from three to ten candidates), which the Commission as a whole would interview.

Mr. Troy asked if it would be possible to have two or less Commissioners sit on the panel for the oral interviews.

Mr. Mello asked about the composition of the interviewing panel of experts. Ms. Bitten suggested that the personnel subcommittee would receive recommendations and could appoint the panel. Mr. Sargent suggested that some of the panelists might be willing to serve pro bono, while others might be reimbursed.

Mr. Torlakson asked Mr. Sargent to develop further the options related to use of an outside panel in the screening process. Mr. Torlakson said that he hoped by the next meeting to have progressed to the point of submitting all the qualified applications to the Subcommittee for further review. He agreed that it would be appropriate for two Commissioners to join the interviewing panel, and asked for volunteers to sit on the panel.

Mr. Broddrick said that the staff could proceed and narrow the applicant pool by determining those candidates who were obviously unqualified. Mr. Torlakson agreed.

Mr. McCarty and Mr. Mello expressed interest in serving on the interviewing panel. Mr. Torlakson asked if there was any problem in having Commissioners overlap on committees, as Mr. McCarty was on the selection subcommittee and volunteered to serve on the interviewing panel. Mr. Frank said that as long as the functions of the committees were separate and distinct, there would be no problem.

Mr. Troy asked if it would be possible to involve two commissioners in the screening process, and two commissioners in the interviewing process, so that as many commissioners as possible could participate in the process before the final candidates came before the Commission. Mr. Broddrick also offered to serve on the interviewing committee.

Mr. Potter remarked that it might be more difficult than envisioned to narrow the pool based solely on the applications.

Mr. Torlakson suggested that Mr. Broddrick and Mr. Mello should serve on the interviewing committee.

Mr. Torlakson discussed the subcommittee's suggestion that it would select, by use of the rating standards, 5 (or another number) of finalists to submit to the full

VIII. PUBLIC COMMENT

Former State Senator John Nejedly spoke on behalf of the Concerned Citizens for Improved Water Quality. He stressed the need to enhance the water quality of the Delta, and submitted to the Commission two reports that focused on the long-term decline of Delta resources. (1) an inventory of water issues compiled in December 1992 for a Governor's Task Force and (2) an inventory of circumstances that affect water quality and relating to D-1630 and HR 429.

Al Medvitz of Rio Vista commented on the Department of Conservation map of the Delta. He noted that farmers in the Montezuma Hills have disputed the accuracy of the maps. Often, maps must classify a parcel as either one or another use, rather than reflecting mixed uses. This gap between the situation on-the-ground and on the map can lead to erroneous decision-making. He urged the Commissioners to take the time to get out into the field before making decisions based on maps.

Dr. Frank Ernst of Vallejo, reiterating a request he had made on February 17, requested a copy of each of the Commissioners' oaths of office for the Commission, as well as the oaths of office from their primary positions, if applicable.

Dr. Ernst also said that he was still unable to locate the map of the Delta in the Secretary of State's office.

Dr. Ernst asked about the status of Commissioner Patterson on the Commission. Mr. Torlakson replied that she had been designated and sworn in as a Commissioner.

Finally, Dr. Ernst asked what of the material distributed to the Commissioners was public, and if the mailing list were also public. Mr. Torlakson said that they were, and asked staff to make arrangements for the materials to be made accessible to the public.

IX. FUTURE MEETINGS

Mr. Sargent referred the Commissioners to the proposed schedule for future meetings, which he had developed, including three options with a variety of locations and day and evening meetings, as well as a few Saturday meetings to accommodate as broad a constituency as possible, and to provide time to present the Commissioners with informational briefings. Mr. Torlakson expressed a desire to minimize the number of Saturday meetings. Mr. Calone advocated evening meetings, and suggested that Saturday meetings be converted to weekday evenings. The Commission agreed to change all Saturdays except the last one in May to Thursdays. Mr. Sargent also noted that the May 28 meeting should be changed to May 27, as that weekend was Memorial Day Weekend.

It was moved by Mr. Yates, and seconded by Mr. Thompson, to adopt Option A as presented. The motion carried unanimously.